

### Remarks

The Applicant respectfully requests reconsideration of this application as amended. Independent claims 1, 10, 13, 14, and 15 have been amended without prejudice. New claims 16 – 19 have been added. Therefore, claims 1-19 are present for examination.

### **35 U.S.C. § 102 REJECTIONS**

In the Office action, the Examiner rejected claims 1, 2, and 6 – 15 under 35 U.S.C. § 102(e) as being unpatentable over Randic (U.S. Patent No. 6,275,797). Applicant traverses these rejections, but has amended the independent claims merely to more clearly express what was originally intended by the claims, and not to further limit the claims. Therefore, Applicant believes the claims are in allowable form, as discussed hereinbelow.

Prior to discussing each rejection in detail, a brief description of the present application and Randic are provided to illustrate the significant differences between the present invention and Randic.

The present application relates to methods of testing voice call listening quality by generating a test call from a test probe (call initiator) to another communications device (call responder). [0020]. The communications device answers the test call by responsively playing a voice file. *id.* Playing the voice file causes the voice file to be transmitted to the test probe that placed the test call and the voice file is transmitted in response to receiving the test call. *id.* The test probe receives the voice file and tests the quality of the received voice file by comparing the received voice file with a reference voice file. *id.* As such, in some embodiments, only a single test probe is needed to test voice call quality across an entire VOIP network, thereby simplifying test configurations and reducing cost. [0010].

By contrast, Randic presents a system in which test files are transmitted to receiving computers, and the receiving computers themselves test the transmission quality based on the test files. *col. 3, ll. 15 – 60.* Thus, every one of the computers to which the test files are sent must have the capability to test the transmission quality of voice files. *col. 3, ll. 40 – 49.* As such, the original communication from the transmitting computer (e.g., computer 12, Fig. 1) to the receiving computer (e.g., computer 14, Fig. 1) includes the voice file. This contrasts with the present application for at least the reasons that the initial test call from the test probe to the

communications device does not include the test voice file, and the test probe that placed the test call performs the quality test.

**Rejection of Claims 1, 2, and 6 – 15 under 35 U.S.C. § 102(e)**

As discussed above, the independent claims 1, 10, 13, 14, and 15 have been amended to more clearly recite what the Applicant believes to be the invention. Specifically, the phrase “wherein playing the embedded voice files comprises transmitting the voice files over the VOIP network in response to receiving the test calls” or a similar phrase has been added to each of the independent claims to more clearly recite that playing the test file causes the test file to be transmitted over the network in response to the test call. This amendment finds support in the specification at least at [0020] and [0027]. At least one benefit of this approach is that only a single test probe, such as the test probe of claims 7 – 9, that generates the test call needs to include voice call listening quality testing functionality to test voice call listening quality from numerous communication devices.

By contrast, in Randic, the test file is transmitted by a transmitting computer (e.g., computer 12, Fig. 1) to a receiving computer (e.g., computer 14), not in response to a test call. The receiving computer (e.g., computer 14), and not the transmitting file (e.g., computer 12), then performs a test using the transmitted file. As such, all the receiving computers in Randic must have functionality to test the quality of the file. *See e.g., col. 5, ll. 12 – 22.*

For at least the foregoing reasons, independent claims 1, 10, 13, 14 and 15 are believed to be allowable. Claims 2 and 6 – 9 depend from claim 1 and are therefore believed to be allowable for at least the same reasons as claim 1. Claims 11 – 12 depend from claim 10 and are therefore believed to be allowable for at least the same reasons as claim 10.

With specific regard to the rejections of claims 8, 10, and 14, the Office states that “the Voice test file” of Randic is “a test probe to place the test call”. *See Office action, p. 3.* Applicant disagrees. To equate the term “test file” to a “test probe” disregards the plain and reasonable meanings of these terms that those skilled in the art would attribute to them. A test probe has functionality to perform various tasks, such as place a test call, record a voice file as the test probe “listens” to the test file, and implement a perceptual or voice all listening quality test model. *See, e.g., Application, [0019] – [0020].* By contrast a “Voice test file” is commonly understood to mean a collection of data related to voice. *See, e.g., Application, [0019];* also see,

e.g., *www.netlingo.com*, visited on October 10, 2006. As such, the Office's rejection of claims 8, 10, and 14 are inappropriate, and Applicant requests that the rejection be withdrawn.

### **35 U.S.C. § 103 REJECTIONS**

In the Office action, the Examiner rejected claims 3 – 5 under 35 U.S.C. § 103(a) as being unpatentable over Randic in view Tomberlin (U.S. Patent No. 6,834,040). Applicant traverses these rejections.

### **Rejection of Claims 3 – 5 under 35 U.S.C. § 103(a)**

The Office acknowledges, and the Applicant agrees, that Randic does not teach a perceptual test model such as PSQM or PAMS. However, the Office asserts that Tomberlin makes up for Randic's deficiencies. Applicant traverses this assertion. Claims 3 – 5 depend from claim 1, and are therefore believed to be allowable for at least the same reasons given above for claim 1.

### **New Claims**

New claims 16 – 19 have been added to claim subject matter disclosed in the present application as filed. No new matter has been added with these new claims. The subject matter recited in claim 16 can be found at least at paragraph [0037]. The subject matter of claims 17 – 19 can be found at least at paragraph [0027]. Claims 16 – 19 depend from independent claims that are believed to be allowable, and for at least the reasons given above claims 16 – 19 are also believed to be allowable.

### **CONCLUSION**

The Applicant respectfully submits that the rejections have been overcome by the amendment and remarks, and that the remaining pending claims are in condition for allowance. In addition, because the amendments to the independent claims are only for clarification purposes, no further search should be required. Accordingly, the Applicant respectfully requests that the rejections be withdrawn and that a Notice of Allowance be issued for claims 1-19.

### **INVITATION FOR A TELEPHONE INTERVIEW**

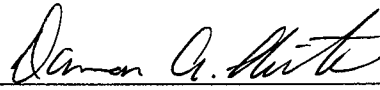
The Examiner is requested to call the undersigned at (303) 447-7739 if there remains any issue with allowance of the case.

Atty. Docket No.: 74120-301394  
Serial No.: 09/855,156

Respectfully submitted,

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Date: October 10, 2006

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